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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/623,421

07/18/2003

Andrea C. Hughs-Baird

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06/29/2006

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EXAMINER

HARPER, TRAMAR YONG

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/623,421	Applicant(s) HUGHS-BAIRD ET AL.	
	Examiner Tramar Harper	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-12, 14-24, 26-35 and 37-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12, 14-24, 26-35 and 37-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendment on 10/14/2005. The arguments set forth in the response are addressed herein below. Claims 1-3, 5-12, 14-24, 26-35, and 37-44 are pending. Claims 4, 13, 25, and 36 have been cancelled, and Claims 1, 10, 20, 33, and 44 have been amended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-12, 14-24, 26-35, and 37-44 are rejected under 35 U.S.C. 102(e) as being anticipated by the US Patent of Kaminkow (6,511,375).

Claims 1-3, 5, 7-9, 10-12, 14, 17-19, 20, 23-24, 26, 28-30, 33-35, 37, and 40-42:

Kaminkow discloses a gaming device comprising:

a game operable upon a wager (Col. 4:9-19);

a plurality of selection groups, which a player has a predetermined number of picks from each group, and as each selection is picked within a group an award indicator (the respective award is displayed) is displayed corresponding to the picked selection (Abstract, Col. 7:26-34, Fig. 3a-3b). Each selection group is displayed on a display

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device (Col. 5:46-48). Fig. 3a-3b illustrate up to 4 selection groups and the order that a player progresses to each group;

a player can pick from a particular group until the predetermined picks for that group are exhausted and the game will enable the player to proceed to the next group (Col. 6:42-45). Thus, the number of picks of the next group is based, at least in part, the at least one pick of the preceding group. A player cannot even make any picks from the next group if they do not pick from the preceding group.

Claims 6, 15-16, 21-22, 27, and 38-39: Kaminkow discloses that the gaming device provides audio instructions that lead the player from group to group. The gaming device also provides a visual marker that leads and directs the player to the currently enabled group. For example, Kaminkow discloses that enabled groups are highlighted and the gaming device provides suitable indicia for disabled groups (Col. 6:56-65). Thus, a player can simply continue to pick until the current selection group is disabled or not highlighted.

Claims 31-32, and 43-44: Kaminkow discloses that the processor and memory device are preferably within each gaming machine, but in another embodiment all of their functions can be provided at a central location such as a network server linked to each playing station via a local area network, wide area network, Internet, microwave link and the like (Col. 5:14-20).

Response to Arguments

Applicant's arguments with respect to claims 1-3, 5-12, 14-24, 26-35, and 37-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The US Patent of Brossard (6,364,767) discloses the use of related selection groups. The US Patents of Baerlocher (6,464,582 & 6,688,977), Kaminkow (6,602,137), Hughs-Baird (6,749,504), and the US Pre-Publication of Cuddy (2003/0060254) teach similar structured gaming devices with selection groups.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tramar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone

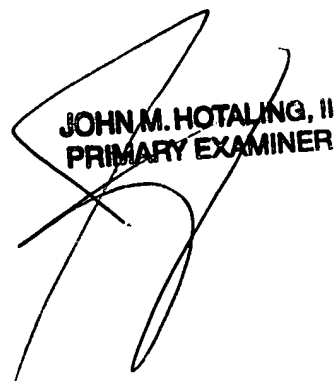
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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH

06/26/06


JOHN M. HOTALING, II
PRIMARY EXAMINER